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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**JAMES CARLIN,**

Petitioner,

**v.**

**ROBERT WONG, Acting Warden,**

Respondent.

No. C 06-4145 SI

**DECLARATION OF COUNSEL IN  
SUPPORT OF RESPONDENT'S  
REQUEST FOR AN EXTENSION  
OF TIME TO FILE AN INITIAL  
RESPONSE**

I, DENISE A. YATES, declare as follows:

1. I am an attorney admitted to practice before the courts of the State of California and before this Court. I am employed by the California Attorney General's Office as a Deputy Attorney General in the Correctional Writs and Appeals Section, and I am assigned to represent the Respondent in this case in which Petitioner Carlin challenges the Board's 2003 decision denying him parole.

2. According to this Court's July 24, 2006 Order, Respondent's initial response is due on September 18, 2006. I need additional time to prepare an initial response in this case because since being assigned this case, I have: prepared for filing four initial responses and two

1 replies in federal habeas cases; prepared for filing two returns and four informal responses in  
2 state habeas cases; collected, reviewed, and served discovery in a state habeas case; and prepared  
3 for and presented oral argument in a state appellate court. Further, in the next 60 days, I am  
4 scheduled to: file fifteen initial pleadings and one reply in federal habeas cases; file an  
5 answering brief in federal appellate court; file one initial and one supplemental return, and one  
6 initial and supplemental informal response in state habeas cases; provide discovery in a state  
7 habeas case; and file an opening brief in a state appellate case. Further, I plan to be out of the  
8 office for at least five days.

9       3.       Moreover, since May 31, I and another attorney have been managing the  
10 administrative duties of our supervisor while she is on leave. These duties include assigning  
11 cases, reviewing the mail, reviewing other attorneys' work, and responding to miscellaneous  
12 inquiries and problems. It would be futile to reassign this case because the other three attorneys  
13 in our office who handle these types of cases from this Court and who are working full-time have  
14 similar caseloads. Accordingly, I respectfully request additional time to file an initial response.

15       4.       This request for an extension of time is not made for any purpose of harassment,  
16 undue delay, or for any improper reason. The substantial harm or prejudice that would occur if  
17 this extension was not granted would be that I would not have sufficient time to review the  
18 documents, evaluate if the petition should be dismissed for procedural reasons, and to otherwise  
19 prepare a proper and thorough initial response.

20       5.       On September 18, 2006, I left a message for Petitioner Carlin's attorney, Margaret  
21 Littlefield, that I was requesting this extension of time, and I have not heard from her. Petitioner  
22 Carlin is serving a life sentence with the possibility of parole and should not be prejudiced by  
23 this request.

24       6.       Respondent has not previously requested an extension of time to file an initial  
25 response in this action. This requested extension will merely affect the date by which Petitioner

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1 Carlin may respond to Respondent's initial response.

2 I declare under penalty of perjury that the foregoing is true and correct and that this  
3 declaration was executed on September 18, 2006, at San Francisco, California.

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5 /s/ Denise A. Yates  
6 DENISE A. YATES  
7 Deputy Attorney General  
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